IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 964 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KAMLESHBHAI NARANBHAI PATEL

Versus

JAYANTILAL KESHAVLAL SONI DECD. THRO' HEIR & L.R.

Appearance:

1. Civil Revision Application No. 964 of 2001

MR HM PARIKH for Petitioners No. 1-2

MR ASHISH M DAGLI for Respondent No. 1

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 11/10/2001

ORAL JUDGEMENT

1. Rule. Mr.Ashish M. Dagli, learned Counsel for the respondent waives service of rule. By consent of the learned Counsel for respective parties the Revision

Application is taken up for hearing today.

2. Heard. Though there is substance in the grievance made by the respondent that the petitioners had failed to remain present to give their evidence on a number of occasions, in the interest of justice, the petitioners deserve to be granted one more opportunity to lead evidence in defence. The impugned order is, therefore, set aside and the petitioners are permitted to lead evidence in defence on condition that the petitioners shall deposit in the trial Court a sum of Rs.1,500/- as costs within fifteen days from today, which amount shall be paid to the respondent irrespective of the result of the suit. Rule is made absolute accordingly. The learned Counsel for the petitioners states that the petitioners will cooperate in the disposal of the suit. The trial Court is directed to dispose of the suit within three months from the date of the receipt of this order.

11-10-2001 (M.C.Patel, J.)

vinod